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# **Notice of Allowability**

**Application No.**

09/546,851

**Examiner**

Alan T. Gantt

**Applicant(s)**

DOMNITZ, DAVID

**Art Unit**

2684

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to 10/12/04.
2. ☒ The allowed claim(s) is/are 1-38, 40 and 43-98.
3. ☒ The drawings filed on 10 April 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**EXAMINER'S AMENDMENT (including Reasons for Allowance)**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Domnitz on 11/04/04. The application has been amended as follows:

**IN THE CLAIMS**

- |                   |   |
|-------------------|---|
| Claim 1, line 17  | "means to detect the presence" has been changed to --means to wirelessly detect the presence--.                           |
| Claim 1, line 19  | "means to retrieve" has been changed to --means to wirelessly retrieve--.   |
| Claim 18, line 14 | "means to transfer the unique" has been changed to --means to wirelessly transfer the unique--.                           |
| Claim 18, line 17 | "means to detect the presence" has been changed to --means to wirelessly detect the presence--.                           |
| Claim 18, line 19 | "means to retrieve" has been changed to --means to wirelessly retrieve--.   |
| Claim 28, line 7  | "using an information retrieval device to detect" has been changed to --using an information device to wirelessly detect" |
| Claim 28, line 9  | "transferring the unique identifying" has been changed to --wirelessly transferring the unique identifying--.             |

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Claim 28, line 17      add the following --moving an information provider identification device which has information identifying a particular information provider through a geographic area;

detecting the information provider device as it moves through the geographic area;

defining the geographic area for which information from the information provider will be distributed based on the movement of the information provider identification device as it moves through the geographic area; and

distributing information provided by information service providers only if an identification device is in a specific geographic are defined by the information provider identification device;

whereby an information provider can selectively determine the location where the information provider information can be distributed.--.

Claim 35, line 17      add the following --moving an information provider identification device which has information identifying a particular information provider through a geographic area;

detecting the information provider device as it moves through the geographic area;

defining the geographic area for which information from the information provider will be distributed based on the movement of the information provider identification device as it moves through the geographic area; and

distributing information provided by information service providers only if an identification device is in a specific geographic area defined by the information provider identification device;

whereby an information provider can selectively determine the location where the information provider information can be distributed.--.

Claim 41                      cancelled

Claim 42                      cancelled

***Allowable Subject Matter***

Claims 1-38, 40, and 43-98 are allowed.

The following is an examiner's statement of reasons for allowance:

The affidavit filed on 10/23/04 under 37 CFR 1.131 is sufficient to overcome the Treyz reference. Barring Treyz, a time/location base information delivery system whereby information is automatically selected and communicated to an output device based on the location of the

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identification device at a specific time was neither found, suggested, nor made evident by the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication from the examiner should be addressed to Alan Gantt at telephone number (703) 305-0077. The examiner can normally be reached between 9:30 AM and 6 PM within the Eastern Time Zone. The group FAX number is (703) 872-9306.

Any inquiry of a general nature or relating to this application should be directed to the group receptionist at telephone number (703) 305-4700.

  
Alan T. Gantt

November 5, 2004

  
**NICK CORSARO  
PRIMARY EXAMINER**